

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	JAMES B. ZAGEL	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 1484	DATE	8/16/2011
CASE TITLE	Charles Fountain (#B-34541) vs. Warden Frank Shaw, et al.		

**DOCKET ENTRY TEXT:**

The plaintiff is ordered to show good cause in writing why this case should not be dismissed for want of prosecution. Failure to respond within fourteen days of the date of this order will result in summary dismissal of this action, on the understanding that the plaintiff no longer wishes to pursue his claims.

☐ [For further details see text below.]

**Docketing to mail notices.**

## STATEMENT

The plaintiff, a state prisoner, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The plaintiff claims that the defendants, correctional officials, kitchen workers, and health care providers, violated the plaintiff's constitutional rights by subjecting him to inhumane conditions of confinement and by acting with deliberate indifference to his medical needs. More specifically, the plaintiff alleges that he was served contaminated food, that he became ill after partially consuming a rodent he found in his meal, and that he was denied needed medical attention for his adverse reaction. This matter is before the court to verify the plaintiff's interest in pursuing his claims.

On July 25, 2011, the defendants filed a motion for summary judgment. The defendants persuasively argue that the discovery of a mouse in the plaintiff's food, while certainly unacceptable and revolting, did not rise to the level of cruel and unusual conditions of confinement; that the plaintiff had no serious medical need because he did not actually eat the mouse; that the defendants, in any event, did not act with deliberate indifference; and that the warden lacked direct, personal involvement in the events underlying this lawsuit. Although advised of his opportunity to respond, *see* briefing schedule entered June 23, 2011, the plaintiff has not filed a brief contesting the motion. In fact, the court's docket reflects no activity on the part of the plaintiff since he sent a

**(CONTINUED)**

mjm

**STATEMENT (continued)**

letter to the Clerk in April 2010. It would appear that the plaintiff may have lost interest in pursuing this matter. The court will not prosecute the plaintiff's case for him.

For the foregoing reasons, the plaintiff is ordered to show good cause in writing why this case should not be dismissed for want of prosecution. Failure to respond within fourteen days of the date of this order will result in summary dismissal of this action, on the understanding that the plaintiff no longer wishes to proceed with this lawsuit.